

### **Remarks**

1. Claims 1-13, 26-38, 57-59, 61-74, and 80-85 are pending in the application. Claims 80-85 have been allowed. Claims 1-13, 26-38, 57-69 and 61-74 have been rejected.

2. Claims 1, 8, and 9 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8 and 9 have been amended in response, and applicants request reconsideration.

3. Claim 33 was objected to because of certain informalities. Claim 33 has been amended as per the examiner's suggestion, and applicants request reconsideration.

4. Claims 1, 5-8, 13, 26, 59, and 61 were rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al ( U.S. Pat. 7,194,051) in view of Ottosson et al (U.S. Pat. 6,683,924).

Applicants contend that the 103(a) rejection of Claims 1,5-8, 13, 26, 59 and 61 is improper since applicants believe that two of the important considerations supporting a proper 103(a) rejection, namely, that of considering all the claim limitations and that of considering the prior art and the claimed invention as a whole have not been met.

Section 2141.02 of the MPEP requires consideration of the '[claimed] invention and prior art as a whole', whereas Section 2143.03 requires 'all words of a claim to be considered'.

Regarding the rejection of Claims 1 and 61, applicants contend that Ottosson does not disclose the step of 'identifying at least one of said signal paths as a potential interferer based at least in part on the observed signal strength'. The disclosure referred to by the examiner (col. 18, lines 24-37) describes the selection and identification of 'correlation.times' and not of interfering signal paths. Also, there is no reference in Ottosson to the step of selecting a subset from a set of identified paths, as described by the claimed invention.

Also, the two cited prior art references cannot be combined since the Li patent refers to actual signal paths, and Ottosson refers to hypothetical path locations, and the combination of the two would not yield a workable invention.

Regarding the rejection of Claims 26 and 59, applicants contend that Ottosson does not disclose the steps of identifying a path as an interfering signal path, and request reconsideration of Claims 26 and 59.

In addition to Section 2141.02 of the MPEP which requires consideration of the '[claimed] invention and prior art as a whole', and Section 2143.03, the Board of Patent Appeals and Interferences (BPAI) [In re Wada and Murphy, Appeal No. 2007-3733 (January 14, 2008)] also supports the view that an examiner cannot skip the precise claim limitation when making an obviousness rejection. "When determining whether a claim is obvious, an examiner must make a 'searching comparison of the claimed invention – including all its limitations – with the teaching of the prior art'. In re Ochiai, 71 F.3d 1565, 1572 (Fed Cir. 1995). Thus 'obviousness requires a suggestion of all limitations in a claim.' CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003).

Because the rejection ignores the multiple claim limitations pointed out here in this response, applicants contend that the 103(a) rejection is improper, and request reconsideration of Claims 1, 5-8, 13, 26, 59 and 61.

5. Claims 57-58 were rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. (U.S. Pat. 7,914,051). Claims 57 and 58 have been canceled.

6. Claims 1-13, 26-38, 57-58, 59, 61-64, 65-68, 69-72, and 73-74 were rejected under 35 U.S.C because the claims did not fall into one of the four statutory classes of inventions.

Claims 1, 26, 61, 65, 69, 70 and 73 have been amended to additionally include hardware elements which fall into a statutory category, and all the recited method steps are linked to these hardware elements.

Claim 59 is linked to a hardware structure, viz. the demodulating finger, which is well known in the art, and thus applicants contend that the Claim does fall into a statutory category, and should be allowable.

Applicants request reconsideration of Claims 1-13, 26-38, 59, 61-64, 65-68, 69-72, and 73-74.

### Conclusions

Applicants have addressed the all of the examiner's objection and rejections. Applicants believe that all pending claims are in condition for allowance. In the event that a telephonic conversation will expedite the examination of this application, the examiner is invited to contact the undersigned at (303)747-3272.

Sincerely,

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